

Message Text

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21

ACTION INT-05

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FM AMEMBASSY PORT MORESBY

TO SECSTATE WASHDC PRIORITY 1945

INFO AMEMBASSY CANBERRA

AMEMBASSY TOKYO

AMEMBASSY WELLINGTON

CINCPAC REP GUAM/TTPI

CINCPAC HONOLULU

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CINCPACREP GUAM/TTPI FOR STATUS LNO SAIPAN

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EO 11652: N/A

TAGS: PFOR, XE, PP

SUBJ: REQUEST FOR INFORMATION ON FISHERIES AGREEMENTS

REF: STATE 295129

1. PNG REP GEOFFREY DABB, LEGAL ADVISOR TO DEPT OF FOREIGN AFFAIRS AND PNG REP TO LOS CONVERENCE) IN DISCUSSION WITH POLOFF STATED 1968 AGREEMENT WAS A PHASE-OUT AGREEMENT CAST IN THE SAME FORM AS THAT NEGOTIATED BETWEEN JAPAN AND NEW ZEALAND. THE JAPANESE AGREED TO LIMIT THEIR LONG-LINE FISHING (THE TYPE DONE HERE THEN) TO AREAS OUTSIDE A TWELVE-MILE LIMIT IN RETURN FOR PHASE-OUT PROVISIONS FOR LONG-LINE VESSELS. WHEN THE AGREEMENT WAS ACCEPTED BY THE GPNG, THE PHASE-OUT DATE FOR LONG-LINE VESSELS WAS LEFT BLANK. IN NOV 1975 THE GPNG INFORMED JAPANESE THAT GPNG HAD NOT DECIDED WHETHER OR NOT TO CONTINUE THE AGREEMENT, BUT WOULD ALLOW IT TO RUN FOR ANOTHER TWELVE MONTHS WHILE TRYING TO NEGOTIATE A

RE-PLACEMENT AGREEMENT WITH JAPAN. DURING THE

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PAST YEAR, NO PROGRESS HAS BEEN POSSIBLE DUE TO JAPANESE

REFUSAL TO ACCEPT THE 200-MILE JURISDICTION DESIRED BY GPNG. THE JAPANESE ARE RESERVING THIS POINT UNTIL COMPLETION OF US-JAPANESE DISCUSSIONS SCHEDULED FOR FEBRUARY 1977. CONSEQUENTLY, GPNG DOES NOT DESIRE CONTINUE OLD AGREEMENT SINCE IT MIGHT RESTRICT PNG IN EXTENDING JURISDICTION AGAINST JAPAN, AND INFORMED JAPAN LAST WEEK (NOT YET REPORTED IN THE PRESS) THAT PNG WILL NOT CONTINUE THE AGREEMENT AND THAT JAPANESE VESSELS WILL NOT BE ALLOWED TO ENTER THE PORTS PREVIOUSLY MADE AVAILABLE TO THEM (RABAU, KIETA, KAVIENG, AND MADANG) AFTER APRIL OF 1977.

2. IN ADDITION TO THE FORMAL AGREEMENT THERE WERE FOUR SETS OF AGREED MINUTES DRAWN UP IN 1968, 1970, 1972, AND 1974. THESE DEALT WITH JAPANESE ASSISTANCE TO THE PNG FISHING INDUSTRY, AND THE QUESTION OF THE RIGHT OF JAPANESE VESSELS TO ENTER PNG PORTS. UNDER THE ENTIRE PACKAGE PNG RECEIVED SOME ASSISTANCE FROM JAPAN THROUGH THE ESTABLISHMENT OF JOINT VENTURES AND, IN ADDITION, JAPANESE VESSELS UNDER THE PHASE-OUT PROVISIONS PAID A K500 ADMINISTRATIVE FEE (NOT A LICENSE FEE) ANNUALLY FOR AN ESTIMATED HIGH OF 300 VESSELS. REVENUE WAS THEREFORE SOME K15,000 PER ANNUM MAX. AN ADDITIONAL BENEFIT WHICH HAS ACCRUED TO PNG HAS BEEN THE EXPORT LEVY ON FISH HANDLED BY THE TWO PNG-JAPANESE JOINT VENTURES. THESE FIRMS ARE PNG FIRMS, AND THE EXPORT LEVY IS FOR ALL SUCH FIRMS. THE REVENUES GENERATED ARE NOT A DIRECT RESULT OF THE AGREEMENT, BUT NEVERTHELESS APPROXIMATELY US DOLS 220,000 WAS PAID BY THE TWO JAPANESE-PNG JOINT VENTURES TO COASTAL VILLAGERS, AND APPROXIMATELY US DOLS 440,000 TO THE GPNG IN EXPORT LEVIES DURING THE PAST YEAR. THIS REPRESENTS 2 1/2 PER CENT OF THE FOB VALUE OF THE CATCH FOR THE VILLAGERS AND 5 PER CENT FOB VALUE OF THE CATCH AS AN EXPORT LEVY FOR THE GPNG.

3. THE JAPANESE HAVE TAKEN THE VIEW THAT JAPAN RESERVES THE RIGHT TO TAKE ENFORCEMENT ACTION AGAINST ITS OWN VESSELS OUTSIDE OF THE THREE-MILE LIMIT. THEY ACCEPT THAT PNG CAN BOARD JAPANESE VESSELS WITHIN THE THREE TO TWELVE-MILE LIMIT, BUT SHOULD REPORT THE MATTER TO JAPANESE AUTHORITIES RATHER THAN TAKE ENFORCEMENT ACTION. PNG STATES THAT IT HAS NEVER ACCEPTED THE RIDER ATTACHED TO THE JAPANESE-AUSTRALIAN LIMITED OFFICIAL USE

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AGREEMENT WHICH WOULD GIVE ENFORCEMENT TO THE JAPANESE WITHIN THE 3 TO 12-MILE ZONE. PNG HAS CONSEQUENTLY TAKEN ENFORCEMENT ACTION WITHIN THIS ZONE AND AFTER AN INITIAL PROTEST THE JAPANESE SEEM TO HAVE ACCEPTED THAT PNG WILL DO SO.

4. COMMENT: PNG VIEW IS THAT ENFORCEMENT SHOULD REST WITH COASTAL STATE WITHIN 12 MILES AND THAT COASTAL STATE

ENFORCEMENT OVER 200-MILE ZONE SHOULD ALSO BE RULE IF 200-MILE LIMIT IS INTRODUCED. PNG-JAPANESE PHASE-OUT AGREEMENT HAS BEEN USEFUL FOR PHASE-OUT PURPOSES ONLY. IT SHOULD NOT BE REGARDED AS REVENUE-PRODUCING MODEL SINCE IT IS NOT DIRECTED TO THAT END. IT HAS FURTHERMORE BEEN EXTREMELY DISAPPOINTING AS A VEHICLE FOR THE TRANSFER OF CAPITAL OR TECHNICAL KNOW-HOW TO UPGRADE PNG FISHERIES. DESPITE GENERAL COMMITMENT TO ASSIST PNG FISHERIES, JAPANESE HAVE BEEN UNWILLING TO DO MUCH MORE THAN PRODUCE "FEASIBILITY STUDY UPON FEASIBILITY STUDY" RATHER THAN TAKE AFFIRMATIVE ACTION IN COMMITTING FUNDS.
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